Appl. No. 09/976,627
Amd. Dated February 23, 2005
Reply to Office Action of November 29, 2004

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated November 29, 2004 is respectfully requested. Claims 1-33 have been rejected. Claims 6, 17, and 28 have been cancelled. Claims 34-36 have been added. Claims 1, 3, 7, 12, 14, 18, 23, 25, and 29 have been amended.

Claim 1 has been amended to incorporate the limitations of now-cancelled claim 6, and to recite that a sequence number is appended in a header for each transmitted data packet when each transmitted data packet is encapsulated. Support for these amendments may be found in the Specification, as for example on page 14 at lines 19-21. Claim 12 has been amended to incorporate the limitations of now-cancelled claim 17, and also to recite that a sequence number is appended in a header for each transmitted data packet. Claim 23 has been amended to incorporate the limitations of now-cancelled claim 28, as well as to recite that a sequence number is appended in a header for each transmitted data packet.

Claims 3, 14, and 25 have been amended to recite that data packets are stored in a retransmission buffer when space is available in the retransmission buffer. When space is not available in the retransmission buffer, the data packets are either held in a queue of discarded. Support for these amendments may be found in the Specification, as for example on page 14 at lines 21-24.

Claims 7, 18, and 29 have been amended to recite that receiving data packets from a first node includes removing headers appended to the data packets. Support for this amendment may be found, for instance, on page 11 of the Specification at lines 13-16.

New claim 34 recites that packets identified by bitmap information are retransmitted until a retry limit is approximately reached. Support for this new claim may be found in the Specification, as for example on page 16 at lines 6-10. New claims 35 and 36 recite similar limitations as those recited in claim 34.

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<u>Rejections under 35 U.S.C. § 102</u>

Claims 1-33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,222,061 issued to Doshi et al.

1.   *Claims 1, 12, 23, and their respective dependents*

As amended, claim 1 recites that a method for operating a first node include transmitting data packets from the first node to a second node. Transmitting the data packets from the first node to the second nodes includes <u>encapsulating the data packets</u> such that a <u>sequence number is appended in a header</u> for each transmitted data packet to facilitate retransmission.

It is respectfully submitted that Doshi et al. does not appear to teach of encapsulating data packets. Doshi et al. also does not appear to teach of appending a sequence number in a header for a transmitted data packet. While Doshi et al. appears to teach of storing a copy of a transmitted data at a location that is indexed by a current sequence number (Doshi et al., column 3 at lines 36-38), and of appending a sequence number to a data packet (Doshi et al., column 3 at lines 1-6), there is no teaching or suggesting that such a current sequence number is appended in a header of an encapsulated data packet. Accordingly, claim 1 is believed to be allowable over Doshi et al. for at least this reason.

Claims 2-5 and 34 each depend from claim 1. As such, claims 2-5 and 34 are each believed to be allowable over Doshi et al. for at least the reason set forth above with respect to claim 1. Each of these claims also recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the cited art. By way of example, amended claim 3 recites that data packets are stored in a retransmission buffer when there is space in the retransmission buffer, and that the data packets are held in a queue when the retransmission buffer is full. In addition, when the queue is full, the data packets are discarded.

While Doshi et al. teaches of storing a transmitted data packet in a retransmit memory buffer, Doshi et al. does not teach of or suggest that when such a memory buffer is full, a data packet is held in a queue or discarded when the queue is full. Accordingly, claim 3 is also believed to be allowable over Doshi et al. for at least this additional reason.

Independent claims 12 and 23 recite similar limitations to those recited in independent claim 1. As such, claims 12, 23, and their dependents are each believed to be allowable over Doshi et al. for at least the reason set forth above with respect to claim 1.

2.   *Claims 7, 18, 29, and their respective dependents*

Amended claim 7 recites a method for operating a second node which includes receiving data packets from a first node. Receiving data packets from the first node includes **removing headers appended to the data packets**. It is respectfully submitted that Doshi et al. does not teach of removing headers appended to data packets. As such, claim 7 and its dependents are believed to be allowable over Doshi et al. for at least this reason.

Claims 18 and 29 recite similar limitations to those recited in claim 7. Therefore, claims 18, 29 and their dependents are each believed to be allowable over Doshi et al. for at least the reason set forth above with respect to claim 7.

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<u>Conclusion</u>

For at least the foregoing reasons, the Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8690.

Respectfully submitted,

Peggy A. Su
Reg. No. 41,336

RITTER, LANG & KAPLAN LLP
12930 Saratoga Ave., Suite D1
Saratoga, CA 95070
Tel: 408-446-8690
Fax: 408-446-8691